

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NIKE, INC. and NIKE USA, INC., : 12 Civ. 2275 (PKC) (RLE)
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Plaintiffs, :
 :
-against- : **AFFIDAVIT**
 :
REEBOK INTERNATIONAL LTD., :
 :
Defendant. :
 :
-----X

STATE OF INDIANA)
 ss.:
COUNTY OF MARION)

BLAKE LUNDBERG, being duly sworn, deposes and says:

1. I am employed by the Sports Licensed Division/adidas Group, part of the Defendant Reebok International Ltd. ("Reebok") as the Vice President and General Manager of our manufacturing and distribution facility located in Indianapolis, Indiana (the "Facility"). I have been employed by Reebok for the past twelve (12) years.

2. In my capacity as VP and GM of the Facility, I have oversight of the location's operations, which includes the embellishment of adult sized jerseys and t-shirts. My team also oversees our network of external printers that from time to time take blank apparel items and affix graphics on them.

3. Various departments in the Facility report to me, including the Manufacturing Capacity Planning group.

4. I have been informed that a dispute has arisen surrounding our late March 2012 production and sale of adult sized New York Jets replica jerseys and t-shirts using the name of Tim Tebow and his number 15. We sold approximately 6,000 jerseys and 25,000 t-shirts.

5. I have sought information from my team and found that of the 6,000 New York Jets jerseys that we took from existing inventory and embellished with the Tebow name and his number 15 during the month of March 2012, approximately 13% were of the XXL size. The stock used to satisfy this XXL size run of about 780 jerseys included a mixed lot of blank New York Jets jerseys. Some of these jerseys bore the Reebok "Vector Logo" affixed on the sleeve of the jersey itself and/or in the back of the neck of the jersey, and others did not. The jerseys in the latter category had no identifying Reebok marks of any kind. I do not know what portion of the 780 jerseys made in size XXL had a Reebok identifying mark of any kind.


6. What I do know, however, is that the remaining 5,220 jerseys do not have any identifying Reebok marks of any kind including our Reebok "Vector Logo". They were all what we call "unbranded." This term refers to jerseys that carry the official NFL marks and authentic league markings, but nothing on the jersey itself that would identify Reebok (either by name, logo or trademark) as the manufacturer.

7. I believe that some undetermined portion of the jerseys bearing Mr. Tebow's name and number may have had a hangtag attached to the garment. A hangtag is a separate label that contains the NFL logo, the official NFLPA logo, and a NFL hologram of authenticity showing that the garment is an officially licensed product. Those jerseys that contained the separate hangtags would only have the name "Reebok" on the hangtag, but the garment itself did not contain any Reebok identifying marks.

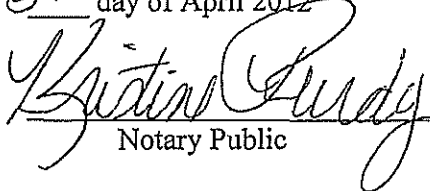
8. I have been able to secure one such jersey, and have delivered it to counsel as a representative sample of the jersey in question. There are no Reebok markings on it except for the separately affixed hangtag discussed above.

9. As stated above, we also produced for sale approximately 25,000 short sleeve t-shirts with the New York Jets team name and logo in the Jets green color and embellished them with the Tim Tebow name and number 15. The t-shirts would have had the NFL official hologram affixed as a removable sticker. However, through my investigation I have determined that none of the 25,000 t-shirts has any Reebok markings, including the brand name or trademark. In addition, none of the t-shirts have any hangtags like those referenced with respect to the jerseys.

10. I have been able to secure one such t-shirt, and have delivered to counsel as a representative sample of the t-shirt in question, which shirt has no Reebok markings on it and no hangtag.


BLAKE LUNDBERG

Sworn to before me this
3rd day of April 2012


Notary Public

